

Winter Assizes (Ireland) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clauses.

1. A Winter Assizes to be held each year in one town in each circuit in Ireland.
2. The Lord Lieutenant and Privy Council of Ireland to fix in what county the Winter Assizes shall be held in each year.
3. For the purposes of such trials at a Winter Assize Lord Lieutenant and Privy Council of Ireland to have power to unite counties, and to make regulations for the trial of prisoners in such united counties.
4. Effect of orders made by the Lord Lieutenant and Privy Council of Ireland.
5. Such orders may be varied and altered, &c.
6. For special reasons a Winter Assizes may not be held in some circuits.
7. Orders to be published in Dublin Gazette, and laid before Parliament.
8. As to removal of prisoners.
9. As to remanding prisoners.
10. As to venue, and execution of sentence of death.
11. Prison where sentence of death may be carried out.
12. No fiscal business shall be transacted at a Winter Assizes.
13. At a winter civil sitting certain civil bill appeals shall be alone heard.
14. Winter Assizes to be held by a single judge.
15. Payment of judges, &c. for a Winter Assizes.
16. Interpretation of terms.
17. Title of the Act.

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B I L L

[AS AMENDED IN COMMITTEE]

TO

Provide for the holding of Winter Assizes in Ireland.

A.D. 1876.

WHEREAS it is expedient to provide for the holding of Winter Assizes in Ireland, in order, among other matters, to make provision for the more speedy trial than what now exists of prisoners charged with offences which cannot be tried at Quarter Sessions:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. In the month of December in every year a Winter Assizes shall be held in one at least of the counties forming part of each circuit in Ireland.

2. The Lord Lieutenant, by and with the advice of Her Majesty's Privy Council in Ireland, shall, in the month of November in each year, make an order fixing in what county in each circuit in Ireland the Winter Assizes shall be held that year, and such order shall specify whether such Winter Assizes shall be held both for criminal and civil business or for criminal business alone.

3. For the purpose of the trial at such Winter Assizes of prisoners and other persons charged with indictable offences in a county other than the county in which the Winter Assizes shall be appointed to be held, the Lord Lieutenant may, with the advice of Her Majesty's Privy Council in Ireland, from time to time, by order, provide in such manner and subject to such regulations as to the Lord Lieutenant and Privy Council may seem meet, for all or any of the following matters:

(L.) For uniting any county forming part of the circuit in which a Winter Assizes shall be appointed to be held to the county in which the Winter Assizes shall be held for the purposes of such Winter Assizes;

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A Winter Assizes to be held each year in one town in each circuit in Ireland.

The Lord Lieutenant and Privy Council of Ireland to fix in what county the Winter Assizes shall be held in each year.

For the purpose of such trials at a Winter Assizes Lord Lieutenant and Privy Council of Ireland to have power to unite counties, and to make regulations for the trial of prisoners in such united counties.

- A.D. 1876 (2.) For the jurisdiction of the Court and the attendance of sheriffs, officers, jurors, whether grand jurors, special jurors, or common jurors of the county in which such Winter Assizes shall be held, and persons, at such Winter Assizes, the use of any prison, the removal of prisoners, the alteration of any commissions, writs, precepts, indictments, recognizances, proceedings, and documents, the transmission of recognizances, and the expenses of prosecutors and witnesses, and of maintaining and removing prisoners, so far as may seem to the Lord Lieutenant and Privy Council necessary for carrying into effect any Order under this Act; and
- (3.) For any matters which appear to the Lord Lieutenant and Privy Council to be necessary or proper for carrying into effect any order under this Act.

Effect of orders made by the Lord Lieutenant and Privy Council of Ireland,

4. Any Order by the Lord Lieutenant and Privy Council purporting to be made in pursuance of this Act shall be deemed to be within the powers of this Act, and shall while it is in force have effect as if it were enacted in this Act, and for all the purposes of the holding of the Winter Assizes the counties united by the order shall, subject to the provisions of the order, be deemed to be one county, and the Winter Assizes held for such united county shall be deemed to be held in or for each of the constituent counties as fully and effectually as if the same were held therein respectively; and all matters and things to be transacted and done at or relating to such Winter Assizes with respect to each of the constituent counties shall be transacted and done at such Winter Assizes as fully and effectually as if the same were transacted and done in each of such constituent counties.

Such orders may be varied and altered, &c.

5. The Lord Lieutenant may from time to time, with the advice of Her Majesty's Privy Council in Ireland, revoke, alter, or add to any order made in pursuance of this Act: and may appoint the Winter Assizes to be held in different counties in each Province in different years; and, if deemed advisable, may appoint a Winter Assizes to be held in more than one county in each circuit in any one year: and any Winter Assizes ordered to be held in December in any year may be adjourned to, or continued to be held in the January next following without any further order.

For special reasons a Winter Assizes may not be held in some circuits.

6. In case in any year, for special reasons, it may be inexpedient to hold a Winter Assizes in one or more circuits in Ireland, the Lord Lieutenant, by and with the advice of Her Majesty's Privy Council in Ireland, may, by order, direct that such Winter Assizes

shall not be held, but the special grounds for so doing shall be stated in such order. A.D. 1876.

7. Every order made in pursuance of this Act shall be published in the Dublin Gazette and laid before both Houses of Parliament within one month after it is made, if Parliament is then sitting, and if not, within one month after the then next meeting of Parliament. Orders to be published in Dublin Gazette and laid before Parliament.

8. Every prisoner removed in pursuance of an order made under this Act from the prison of any constituent county to any other prison for the purposes of this Act shall, during removal to, and during such time as they shall be in such other prison, be deemed to be in the proper legal custody in every respect, and no such removal shall be deemed an escape. As to removal of prisoners.

9. A prisoner removed from the prison of a constituent county to the prison of the county in which the Winter Assizes shall be held may be remanded back to the prison of the constituent county by the judge presiding at such assizes, and during his removal thereto shall be deemed to be in the proper legal custody. As to remanding of prisoners.

10. The united counties shall be deemed to be one county for all purposes of venue, local description, trial, judgment, and execution; and in all indictments and presentments preferred and tried before the judges of assize at such Winter Assizes the venue laid in the margin shall be as follows, "united counties of the [] circuit" [here naming the circuit for which such Winter Assizes are held]. And all offences which in other indictments would be laid to have been committed in the county where the trial is had, and all material facts which would be in other indictments averred to have taken place in the county where the trial is had, shall, in indictments prepared for, and tried at, such Winter Assizes, be laid to have been committed, and averred to have taken place within the "said united counties of the [] circuit," naming the circuit as aforesaid. As to venue, and execution of sentence of death.

And in case sentence of death shall be passed upon any person at any such Winter Assizes, execution of such sentence may be had and done upon such person by the sheriff of the county in which such Assizes shall have been held in the same way and as fully to all intents and purposes as if the offence of which such person was convicted had been committed in the said county.

11. Notwithstanding anything in this Act contained, it shall be lawful for a judge at a Winter Assizes, before whom a prisoner shall be convicted of a capital offence committed by him in a con- Prison where sentence of death may be carried out.

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stituent county, to order and direct in the sentence of death which he shall pass upon the prisoner that the prisoner shall be remanded to the custody of the governor of the prison of the constituent county, and that the sentence of death passed by him on the prisoner shall be carried out in said last-mentioned prison. 5

No fiscal business shall be transacted at a Winter Assizes.

12. No fiscal business shall be transacted at any Winter Assizes by any grand jury, and with respect to all fiscal matters within the cognizance of grand juries, no account shall be taken of the holding of any such Winter Assizes.

At a winter civil sitting certain civil bill appeals shall be alone heard.

13. At a Winter Assizes which may be held for civil business 10 no civil bill appeals shall be heard, except appeals from decisions of the chairman of the county in which the Winter Assizes shall be held.

Winter Assizes to be held by a single judge.

14. A Winter Assizes shall be held by a single judge unless otherwise specially ordered by the Lord Lieutenant or Privy Council 15 in the order appointing said assizes; and the same judge may hold the Winter Assizes appointed to be held on one or more circuits.

Payment of judges, &c. for a Winter Assizes.

15. The Lord Lieutenant, with the consent of the Commis- 20 sioners of Her Majesty's Treasury, shall fix what payment or allowance shall be made to a judge who shall hold a Winter Assizes, and shall also fix what payment or allowance shall be made to the registrar and crier of the judge, and to the clerk of the crown and sheriff of any county in which a Winter Assizes shall be held for the discharge of their respective duties. 25

Interpretation of terms. "Lord Lieutenant."

16. In this Act, The term "Lord Lieutenant" shall mean the Lord Lieutenant of Ireland, or other chief governor or governors of Ireland for the time being :

"County."

The term "county" shall extend to and include county of a city, 30 county of a town, city and county

Title of the Act.

17. This Act may be cited for all purposes as "The Winter Assizes (Ireland) Act, 1876."

Winter Assizes (Ireland).

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BILL

[AS AMENDED BY COMMITTEE]

To provide for the holding of Winter Assizes in Ireland.

(*Prepared and brought in by
Sir Charles O'Loghlen and Mr. Stowe.*)

*Ordered, by The House of Commons, to be Printed,
9. April 1876.*

[Bill 592.]

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